

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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In re: Layton & Howell Sandwich Kings, Inc.,

Case No. 14-24439-gmh  
(Chapter 11)

Debtor.

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**MOTION BY THE UNITED STATES TRUSTEE TO DISMISS CASE**

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The United States Trustee, by Attorney Amy J. Ginsberg, requests that the Court dismiss this Chapter 11 case for cause on the following grounds:

1. This case was commenced on April 15, 2014, by the filing of a voluntary petition signed by William J. Foley on behalf of Layton & Howell Sandwich Kings, Inc. (Debtor).
2. The Debtor filed the bankruptcy petition without the assistance of legal counsel.
3. William J. Foley is not an attorney licensed to practice law in the State of Wisconsin.
4. Corporations may not appear *pro se* in federal courts. As stated by the Seventh Circuit Court of Appeals, “A corporation is not permitted to litigate in a federal court unless it is represented by a lawyer licensed to practice in that court.” *United States v. Hagerman*, 545 F.3d 579, 581 (7<sup>th</sup> Cir. 2008) (citing *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993); *Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1427 (7<sup>th</sup> Cir. 1985).
6. The act of filing a bankruptcy petition constitutes the unauthorized practice of law. For this reason, when a petition is filed, *pro se*, by a corporate debtor, the filing is void and without legal effect. *In re Global Const. & Supply, Inc.*, 126 B.R. 573 (Bankr. E.D. Mo. 1991).

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WHEREFORE, as an interested party in this matter, the United States Trustee requests the Court enter an order of dismissal in the present case. The United States Trustee does not intend to file a brief in connection with this pleading but reserves the right to file a responsive brief or pleading if necessary.

Dated: April 17, 2014.

PATRICK S. LAYNG  
United States Trustee

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AMY J. GINSBERG  
Attorney for the United States Trustee